

BILL NO. Z-87-07-09 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z- 21-87

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. Q-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a R-A (Suburban Residential) District  
under the terms of Chapter 33 of the Code of the City of  
Fort Wayne, Indiana of 1974:

Lots 6, 7, 8, and 9 of Litchfields Addition; and Lots  
11, 12, 13, 14, 15, 16, 17, 18, 19, 44, 45, 46, 47, 48,  
and 49 of Homestead Park Amend. Addition.

and the symbols of the City of Fort Wayne Zoning Map No.  
Q-3, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

\_\_\_\_\_  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
BRUCE O. BOXBERGER, CITY ATTORNEY

FOX RIVER BOND  
25% COTTON



BILL NO. Z-87-07-09

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. Q-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a R-3 (Multi-Family Residential) District  
under the terms of Chapter 33 of the Code of the City of  
Fort Wayne, Indiana of 1974:

Lots 6, 7, 8, and 9 of Litchfields Addition; and Lots  
11, 12, 13, 14, 15, 16, 17, 18, 19, 44, 45, 46, 47, 48,  
and 49 of Homestead Park Amend. Addition.

and the symbols of the City of Fort Wayne Zoning Map No.  
Q-3, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

\_\_\_\_\_  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by Bradbury  
seconded by Redd, and duly adopted, read the second time  
by title and referred to the Committee Regulators (and the  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort W  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

DATE: 7-14-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury  
seconded by Redd, and duly adopted, placed on  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BRADBURY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>HENRY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>REDD</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 8-25-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-21-87  
on the 25th day of August, 19 87

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL) Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the 26th day of August, 19 87  
at the hour of 11:00 o'clock PM .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31st day of August  
19 87, at the hour of 4:00 o'clock P .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

# RECEIPT

OK # 8260

No 2703

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6-15 1987

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Free Zone Baptist Church \$50.00  
fifty 00  
11932 + 2030 Birchwood  
1921 Edsall  
2005 Edsall P.O.B.

DOLLARS

AUTHORIZED SIGNATURE



RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

XI/We Bernard J. Frankenstein and Hannah F. Zacher  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne  
Indiana, by reclassifying from Xa/an R2 District to Xa/an R3  
District the property described as follows:

Lots 6, 7, 8, and 9 of Litchfields Addition; and Lots 11, 12, 13,  
14, 15, 16, 17, 18, 19, 44, 45, 46, 47, 48, and 49 of Homestead  
Park Amend. Addition

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1921 Edsall Ave. through 2005 Edsall Ave. and 1932 Birchwood Ave.  
through 2030 Birchwood Ave.

(General Description for Planning Staff Use Only)

XI/We, the undersigned, certify that ~~XXXXX~~ We are the owner(s) of fifty-one  
percentum (51%) or more of the property described in this petition.

Bernard J. Frankenstein

231 South Harrison St.

Hannah F. Zacher

P.O. Box 11425  
Fort Wayne, IN 46858

*Bernard J. Frankenstein*  
*Hannah F. Zacher*

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Willard B. Ransom

6258 Grandview Drive  
Indianapolis, IN 46260

(317) 253-2675

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street  
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

Lots 6, 7, 8, and 9 of Litchfields Addition; and Lots 11, 12, 13,  
14, 15, 16, 17, 18, 19, 44, 45, 46, 47, 48, and 49 of Homestead  
Park Amend. Addition

Owners of Property

Bernard J. Frankenstein	231 South Harrison St.	<i>Bernard J. Frankenstein</i>
Hannah F. Zacher	P.O. Box 11425 Fort Wayne, IN 46858	<i>Hannah F. Zacher</i>
Lester E. Frankenstein		
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-07-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1987.

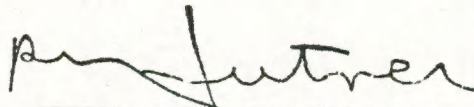
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1987.

Certified and signed this  
30th day of July 1987.



Robert Hutner  
Secretary



ORIGINAL

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1921 through 2005 Edsall Ave /

1932 through 2030 Birchwood Av

3-8707-09

EFFECT OF PASSAGE Property is presently zoned R-2 - Two Family Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_



# Division of Community Development & Planning

BILL NUMBER

**BRIEF TITLE**

Zoning Ordinance Amendment'

**APPROVAL DEADLINE**

**REASON**

**DETAILS**

**Specific Location and/or Address**

1921 thru 2005 Edsall Avenue and  
1932 thru 2030 Birchwood Avenue

**Reason for Project**

Construction of an apartment for the  
elderly.

**Discussion (Including relationship to other Council actions)**

20 July 1987 - Public Hearing

Reverend Jesse White, of True Love Baptist  
Church, stated that they were asking for  
the rezoning in order to allow for the  
construction of the 50 unit 1-bedroom  
apartment facility for the elderly.

Betty Stotler, with the Harvester Community  
Association stated that she would like to  
see a plan for the project as well as what  
type of security they would have for the  
project.

Robert Alspach, 3325 Logan Avenue, stated  
that the area has a high crime rate and felt  
that brining in a housing development for  
the elderly would add to the already high  
crime rate. He stated he did not feel that  
this area was safe and questioned the type of  
security that would be afforded this develop-  
ment.

Reverend White stated in rebuttal that they  
would be providing adequate security for its  
residents.

**POSITIONS**

**RECOMMENDATIONS**

**Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

**Applicant(s)**

True Love Baptist Church  
City Department

Other

**Opponents**

**Groups or Individuals**

Robert Alspach, 3325 Logan

**Basis of Opposition**

-feared it would increase t  
crime rate in area

**Staff  
Recommendation**

☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

**By**

☐ For ☐ Against

☐ No Action Taken

☒ For with revisions to condition

(See Details column for condition

Perfect to RA

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other

☐ Pass (as  
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass



**DETAILS**

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

27 July 1987 - Business Meeting

Motion was made to Perfect the request to RA and return it to the Common Council with a DO PASS recommendation.

Of the 7 members present 6 voted in favor of the recommendation one (1) did not vote.

Motion carried.

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 15 June 1987

Projected Completion or Occupancy

Date 30 July 1987

Fact Sheet Prepared by

Date 30 July 1987

Patricia Biancaniello

Reviewed by

Date

5 August 1987

Reference or Case Number



A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-2 DISTRICT TO AN R-3 DISTRICT.

COUNCILMANIC DISTRICT NO. 1



R1 RESIDENTIAL DISTRICT  
R2 RESIDENTIAL DISTRICT  
BIB LIMITED BUSINESS 'B'

**LAND USE:**

- ☐ SINGLE FAMILY  
☒ COMMERCIAL  
☐ PUBLIC - SCHOOL

**SCALE: 1" = 100'**

**DATE:** 6-29-87





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-07-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1987.

Certified and signed this  
30th day of July 1987.



Robert Hutner  
Secretary



Change of Zone #283

Willard B. Ransom, agent for the petitioners, requests a change of zone form R-2 to R-3.

Location: 1921 thru 2005 Edsall Ave, and 1932 thru 2030 Birchwood Ave.

Legal: Lots 6 thru 9 Litchfields Add. and Lots 11 thru 19 and 44 thru 49 Homestead Park Amend.

Land Area: Approximately 4.31 Acres

Zoning: R-2

Surroundings:	North	B-1-B	Commercial
	South	R-2	Residential
	East	R-1	Residential
	West	R-2	School & Residential

Reason for Request: Housing for the Elderly (Multi-family)

Neighborhood Assoc.: Harvester Community Association

Landscape: RA District would at least require development plan approval, require landscape plan be approved by staff landscape architect for development on this site.

Neighborhood Plan: No Comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals in the Central Area, where this request is located; 1) to maintain existing development, 2) to halt deterioration, and 3) to encourage re-investment. Higher density residential uses would be compatible with existing land uses.

Planning Staff Discussion:

The petitioner has requested this change of zone in anticipation of developing the site as housing for the elderly. The immediate area is a mix of residential and commercial uses, with major access routes of New Haven Ave. and Coliseum Blvd.



The Comprehensive Plan indicates that this area should encourage reinvestment in properties, and should attempt to maintain existing developments. There is some sign of deterioration present, possibly due past economic conditions. However, this area has a very active neighborhood association, that has a genuine interest in improvement. The petitioned zoning and proposed use would be compatible with existing development, and may assist in the reclamation of property values, and enhancement of living conditions.

The goals of the Comprehensive Plan and of the local neighborhood association may be best served by approval of this request. With the existing B-1-B along New Haven Ave. (between Edsall and Birchwood), this parcel could serve to buffer other residential uses, and the investment should stimulate the area in general. The perfection of this petition to "RA" from the requested "R-3" would require the approval of a development plan.

Recommendation:        Perfect to an RA and Approve

- 1) Approval would be compatible with the Comprehensive Plan.
- 2) Approval would be in the best interests of maintaining existing development, while encouraging re-investment in the area.
- 3) Approval would not create an adverse impact on the immediate area.
- 4) RA District would accomplish what is proposed by the applicant but would require review and approval of development plan by Plan Commission.



BILL NO. Z-87-07-09 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. Q-3

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

XXXXXXX(~~RESOLUTION~~)

*No Pass*

YES

NO

*Janet G. Bradbury*  
JANET G. BRADBURY  
CHAIRPERSON

*Charles B. Redd*  
CHARLES B. REDD  
VICE CHAIRMAN

*Thomas C. Henry*  
THOMAS C. HENRY

PAUL M. BURNS

*Ben A. Eisbart*  
BEN A. EISBART

CONCURRED IN

*8-25-87*

SANDRA E. KENNEDY  
CITY CLERK

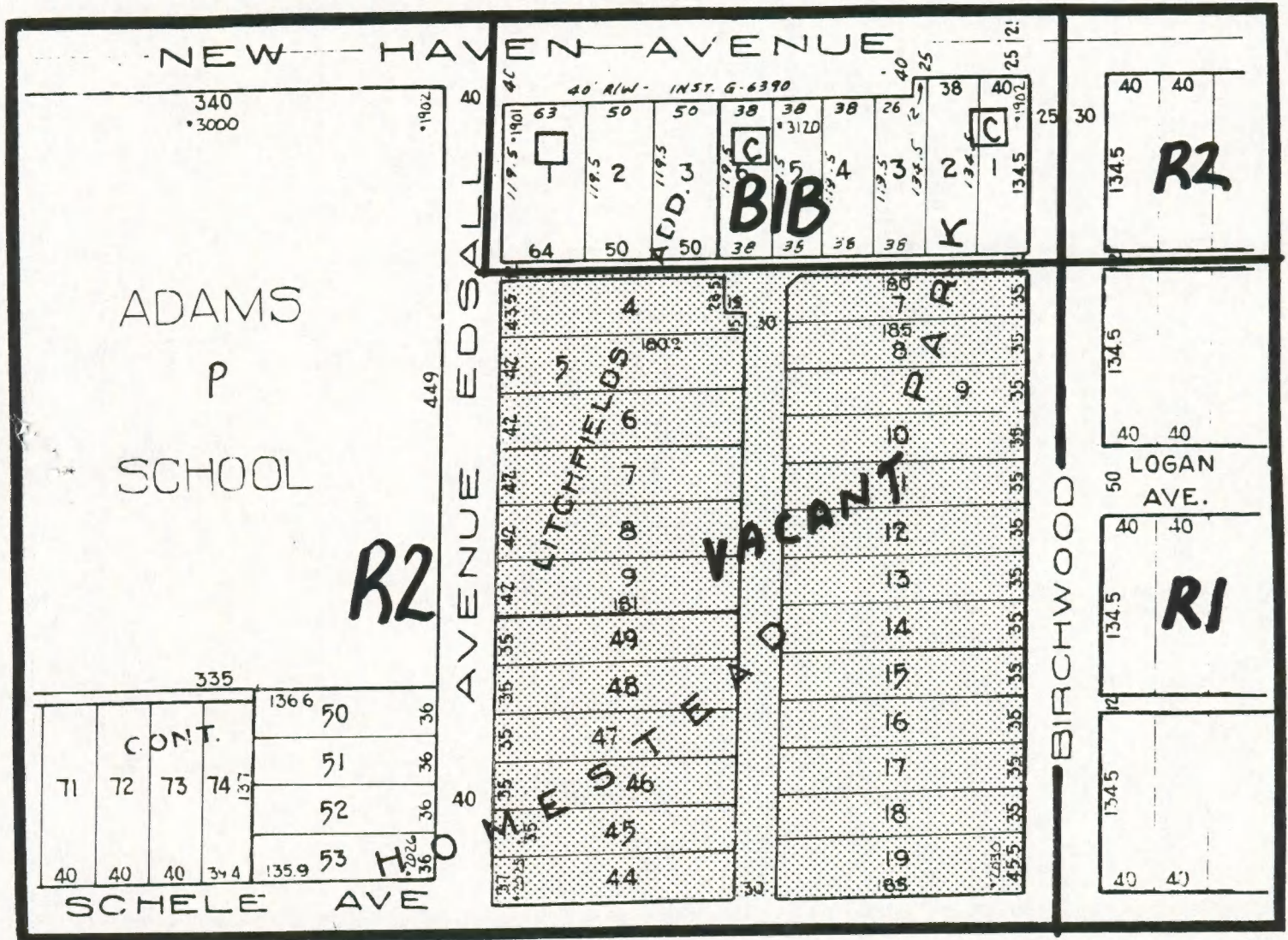


# REZONING PETITION # 202

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-2 DISTRICT TO AN R-3 DISTRICT.

MAP NO. Q-3

COUNCILMANIC DISTRICT NO. 1



## ZONING:

R1 RESIDENTIAL DISTRICT  
R2 RESIDENTIAL DISTRICT  
BIB LIMITED BUSINESS 'B'

## LAND USE:

☐ SINGLE FAMILY  
☒ COMMERCIAL  
☐ PUBLIC - SCHOOL

SCALE: 1" = 100'

DATE: 6-29-87

